



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

March 1, 2016

Stephen Slater  
Blu Croix Ltd  
3961 Blackbird Way  
Calabasas, CA 91302

**REGARDING: PROJECT NO. R2015-02917-(5)  
CONDITIONAL USE PERMIT NO. 201500118  
5850 EAST AVENUE I (APN 3384-001-800)**

Hearing Officer Susan Tae, by her action on **March 1, 2016**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **March 15, 2016. Appeals must be delivered in person.**

**Appeals:**

**To file an appeal, please contact:**  
Regional Planning Commission, Attn: Commission Secretary  
Room 1350, Hall of Records  
320 West Temple Street, Los Angeles, CA 90012  
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Thuy Hua of the Zoning Permits North Section at (213) 974-6443, or by email at [thua@planning.lacounty.gov](mailto:thua@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

Robert Glaser, Supervising Regional Planner  
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion),

c: DPW (Building and Safety); Zoning Enforcement

RG:TH

**FINDINGS AND ORDER  
OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-02917-(5)  
CONDITIONAL USE PERMIT NO. 201500118**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500118 ("CUP") on March 1, 2016.
2. The permittee, Verizon California Inc. ("permittee"), requests the CUP to authorize the continued operation of an existing unmanned telecommunication switching facility and microwave antenna ("Project") on a property located at 5850 East Avenue I (APN 3384-001-800) in the unincorporated Antelope Valley ("Project Site") in the A-2-5 (Heavy Agricultural with a Minimum Lot Size of Five Acres) Zone pursuant to Los Angeles County Code ("County Code") Section 22.24.150.
3. The Project Site is 1.28 acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with one existing building and associated paving and landscaping as well as agriculture to the rear, which is not part of the Project.
4. The Project Site is located in the Antelope Valley East Zoned District and is currently zoned A-2-5 (Heavy Agricultural with a Minimum Lot Size of Five Acres).
5. The Project Site is located within the RL20 (Rural Land 20) land use category of the Antelope Valley Area Plan Land Use Policy Map.
6. Surrounding zoning within a 500-foot radius includes:  
  
North: A-2-5  
South: A-2-5  
East: A-2-5  
West: A-2-5
7. Surrounding land uses within a 500-foot radius include:  
  
North: Vacant, farm  
South: Vacant, farm  
East: Vacant  
West: Vacant, farm
8. The Project Site was zoned M-3 (Unclassified) in 1957 through Ordinance No. 7093, and there were several subsequent zoning cases approved. Ordinance No. 7450 changed the zoning to A-2-2 (Heavy Agricultural with a Minimum Lot Size of 2 Acres) in 1958. Ordinance No. 7490 changed the zoning to A-2-1 (Heavy Agricultural with a Minimum Lot Size of 1 Acre) in 1959. Ordinance 2015-0021Z

changed the zoning to A-2-5 (Heavy Agricultural with a Minimum Lot Size of Five Acres) in 2015.

9. Plot Plan No. 43548 approved the replacement of HVAC units on April 21, 1994. Conditional Use Permit No. 200400050 approved the construction, operation, and maintenance of an unmanned six-foot in diameter drum style microwave antenna installed on the southerly wall of an existing structure on March 15, 2005 and expired on March 15, 2015.
10. The site plan depicts the Project Site with an existing one-story 5,520 square foot rectangular structure, measuring approximately 124'-6" by 43'-9", with an additional 865 square foot second-story mezzanine, and an attached CMU wall enclosed equipment area located at the north side of the parcel. The building contains a switch hub, equipment room, battery room, equipment cage, electrical switchboard room, janitor's closet, restroom, and mechanical equipment in the mezzanine. The height of the existing building is 30'-5" above the mezzanine floor, but most of the building is 20'-7" in height. The 6-foot in diameter drum style microwave antenna is mounted on the southern wall on top of the mezzanine floor and reaches a height of 35'-6". A back-up generator is located to the south of the building. The rear two-thirds of the Project Site is developed with agriculture. Ingress and egress to the Project Site is provided by two driveways off East Avenue I.
11. The Project Site is accessible via East Avenue I to the north. The primary and sole access to the Project Site is via two driveways from East Avenue I.
12. The Project does not provide any dedicated parking spaces. However, the Project Site can adequately and safely accommodate the parking of a vehicle used for periodic maintenance of the unmanned facility by the entrance to the building or within the paved driveway area parallel to the north side of the building facing East Avenue I.
13. As the Project is an existing facility with no changes proposed, consultation with other County departments is not required.
14. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the continued use and operation of a microwave antenna and telecommunication switching facility, with no expansion of use beyond that which is previously existing.
15. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.

16. Prior to the Hearing Officer's public hearing, the Department of Regional Planning ("Regional Planning") staff did not receive any comment from the public.

17. A duly-noticed public hearing was held on March 1, 2016 before Hearing Officer Susan Tae. Staff presented the Project and recommended approval. The applicant's agent, Stephen Slater, testified in support of the project. The Hearing Officer asked Mr. Slater if agricultural activity was taking place on the rear two-thirds of the property. Mr. Slater confirmed that there is but not by the owner/applicant and that they are currently in discussion with the neighboring farm as to the agricultural activity taking place on the subject property. Mr. Slater also added for informational purposes that Verizon California was liquidating their real estate assets in the state of California and we may see new ownership under the name of Frontier Corporation.

The Hearing Officer then presented staff with the following changes to the Findings and Conditions:

- Finding 3: Update to read "...is developed with one existing building and associated paving and landscaping as well as agriculture to the rear, which is not part of the Project."
- Finding 10: Update second o last sentence to read "The rear two-thirds of the Project Site is developed with agriculture."
- Finding 19: Add to the end "with a conditional use permit."
- Condition 8: Update expiration date to March 1, 2036 to reflect a 20-year grant term.
- Condition 22: Delete "proposed" regarding co-location on the facility.
- Condition 25: Delete "construction."
- Condition 26: Delete entire condition.
- Condition 27: Delete entire condition.
- Condition 29: Delete any reference to disguising the facility but keep reference to camouflaging.
- Condition 31: Delete entire condition.
- Add a Finding and Condition stating that the Project Site is located within the Rural Outdoor Lighting District and shall comply with all applicable requirements.

18. The Hearing Officer finds that the Project is consistent with the goals and policies of the Antelope Valley Area Plan, a component of the General Plan. The project site is located within the Rural Land 20 land use category of the Antelope Valley Area Plan. Allowable uses in this designation include: single-family residences at a maximum density of one dwelling unit per 20 acres; equestrian and animal uses; and agricultural and related activities. Specific allowable uses and development standards are determined by the underlying zoning designation. The telecommunication switching facility and microwave antenna provide a service to the local area and will not contribute to an increase in the residential density in the area. Therefore, the project is consistent with the permitted uses of the underlying land use category.

19. The Hearing Officer finds that the Project is consistent with the A-2-5 zoning classification because communication equipment buildings and radio and television stations and towers are both allowed uses in the A-2 Zone with a conditional use permit.
20. The Hearing Officer finds that the Project is located in the Rural Outdoor Lighting District.
21. The telecommunication switching facility has been in operation since 1957, providing the necessary telecommunication infrastructure for the area. The microwave antenna has operated without any violations during the duration of its grant term. The surrounding properties are vacant or farms and there are no adjacent neighbors or sensitive receptors that could potentially be impacted. Therefore, the Hearing Officer finds that the Project will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
22. The telecommunication switching facility is developed on a 1.28 acre site near the southwest corner of East Avenue I and 60<sup>th</sup> Street East. All the development onsite are existing and no new development is proposed. The Project Site includes a 5,520 square foot structure that encloses the existing telecommunications switching facility, a paved driveway, as well as perimeter fencing and landscaping. Therefore, the Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features as are required in order to integrate the Project into the surrounding area.
23. The Project Site is served by East Avenue I, which is designated as an Existing Secondary Highway. The use will continue to operate in its existing unmanned state with only intermittent visits from service technicians, and thus no new traffic will be generated. Therefore, the Hearing Officer finds that the Project Site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
24. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 20 years.
25. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Lancaster Library. On January 13, 2016, a total of 15 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 16 notices to those on the courtesy mailing

list for the Antelope Valley East Zoned District and to any additional interested parties.

26. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. The proposed use with the attached conditions will be consistent with the adopted Antelope Valley Area Plan and General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**THEREFORE, THE HEARING OFFICER:**

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves Conditional Use Permit No. 201500118, subject to the attached conditions.

**ACTION DATE: MARCH 1, 2016**

RG:TH  
3/1/16

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-02917-(5)  
CONDITIONAL USE PERMIT NO. 201500118**

**PROJECT DESCRIPTION**

The project is for the continued operation and maintenance of an unmanned telecommunication switching facility and microwave antenna located at 5850 East Avenue I (APN 3384-001-800) subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on March 1, 2036.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the telecommunication switching facility and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken



on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$2,200.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for 10 biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies of a modified Exhibit "A"** shall be submitted to Regional Planning by **May 2, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of the proposed plans** to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PERMIT SPECIFIC CONDITIONS

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. The permittee shall provide upon request to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If wireless telecommunication facilities are co-located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of the said wireless telecommunication facilities.
21. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
22. Any proposed wireless telecommunication facility that will be co-locating on the facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
23. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.

24. If any external lighting is proposed, including security lighting, it shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
25. If the subject property is adjacent to residences, maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
26. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
27. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired by the permittee within 30 days of notice. Weathered, faded or missing parts/materials used to camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
28. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.

#### **PROJECT SITE SPECIFIC CONDITIONS**

29. This grant shall authorize the continued operation and maintenance of an unmanned telecommunication switching facility and drum style microwave antenna installed on the southerly wall of the telecommunication switching building located at 5850 East Avenue I.
30. All equipment shall be a neutral color excluding black to blend with its surroundings and shall be maintained in good condition at all times.
31. The operator shall provide satisfactory safeguards to prevent unauthorized access to the mezzanine enclosure.
32. The permittee shall comply with Part 9 (Rural Outdoor Lighting District) of Chapter 22.44 of the County Code.